



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,332	04/06/2001	Michael Kelbaugh	723-1081	6939

7590 09/21/2006
NIXON & VANDERHYE P.C.
1100 North Glebe Road, 8th Floor
Arlington, VA 22201

EXAMINER RAMPURIA, SATISH	
ART UNIT 2191	PAPER NUMBER

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,332

Applicant(s)

KELBAUGH ET AL.

Examiner

Satish S. Rampuria

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to the communication filed on July 14, 2006.
2. New Claims added by the Applicant: 81-85.
3. Claims amended by the Applicant: 21, 41, 42 and 62.
4. Claims 1-85 are pending.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but they are not persuasive.

In the remarks, the applicant has argued that:

- (i) There is no mention in Othmer of the claimed limitation "including a password." Similar comments apply to claims 22, 41, and 62. Remarks page 22.
- (ii) Wygodny does not teach that the program menus change in response to any user information. This means that the BugTrapper does not provide menus accessed in response to said user information, but rather that the BugTrapper provides the same menus for all users, regardless of user information. Remarks page 22.
- (iii) The teachings of Wygodny do not extend to processing user identification information to determine a user's role. Because all Wygodny users have the same disclosed role, one of ordinary skill in the art would not have been motivated to combine Wygodny with

Othmer in such a manner so as to result in the claimed combination.

Remarks page 23.

- (iv) Neither Othmer nor Wygodny teaches "accessing a bug tracking related menu by a first user having a first role" and "transmitting at least the edited bug related information via the Internet to a second user having a second role different from the first role." Remarks page 24.
- (v) Nothing in Othmer or Wygodny discloses a system containing at least the three aforementioned computer systems. For at least this reason claim 61 and the claims dependent therefrom are not obvious in view of Othmer and Wygodny. Remarks page 25.

Examiner's response:

- (i) In response to Applicant argument that Othmer does not mention the limitation including password. Othmer discloses monitoring the operations of computer based systems connected to a server (see the summary), specifically Othmer disclose the server uses the user ID to associate static information with a particular client machine (col. 13, lines 48-64). Nowhere, when user ID is used the password is obviously used to log to the system. Applicants make general allegations. Therefore, the rejection is proper and maintained herein.

- (ii) In response to Applicant argument Wygodny does disclose the limitation as recited. Wygodny discloses in a remote mode developer uses the program called the BugTrapper analyzer to create a trace file. The analyzer obtains information about the client at the compile time for the specific client (col. 5, lines 25-53). Nowhere, when compiler collects information for a specific client obviously it will be different for each client. Applicants make general allegations. Therefore, the rejection is proper and maintained herein.
- (iii) In response to Applicant argument, it is noted that the rejection clearly points out where Othmer and Wygodny teach the claimed features and why it would have been obvious to combine their teachings. Applicant only makes general allegations and does not point out any errors in the rejection. Rather, in response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the rejection is proper and maintained herein.
- (iv) In response to Applicant argument, Othmer discloses monitoring the operations of computer based systems connected to a server (see the summary) and Wygodny discloses monitoring and analyzing the execution of computer programs (see the summary). Othmer teaches

transmitting bug related information over the communication link to the server (col. 5, lines 10-35 and col. 6, lines 39-67). Both Othmer and Wygodny teach the claimed limitations as explained above. Applicant only makes general allegations and does not point out any errors in the rejection. Rather, in response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the rejection is proper and maintained herein.

- (v) Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

Art Unit: 2191

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Objections

8. Claim 81 objected to because of the following informalities:

On line 13, it appears to be a typo (a period following the comma).

On line 15, the period is missing.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-8, 14-16, 18, 20-27, 28, 29, 35-37, 39-48, 54-56, 58, 60-69, 75-77, 80, and 81-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,167,358 to Othmer et al., hereinafter called Othmer, in view of US Patent No. 6,282,701 to Wygodny et al., hereinafter called Wygodny.

Per claims 1, 6, 18, 21, 22, 39, 42, 47, and 58:

Art Unit: 2191

Othmer disclose:

- A method for processing and monitoring software bug related information for use in software package development (col. 2, lines 30-33 “a system and method for remotely monitoring a plurality of computer-based systems is provided which detects defects (bugs) or the usage of particular functions in a software application”) comprising the steps of:
 - accessing an Internet browser (col. 1, lines 25-27 “With the Internet, the process... testing requires... developer place the beta software application on its web site”);
 - accessing a bug tracking system using said Internet browser (col. 9, lines 5-7 “the server may interface with, communicate and share data with one or more existing bug tracking”);
 - processing user identification information including a password (col. 13, lines 59-60 “The server uses the user ID to associate static information with a particular client machine”); and
 - accessing, in response to said user identification information (col. 14, lines 7-9 “The server uses the user ID to associate static information with a particular client machine and to keep a record about a particular user”)

Othmer does not explicitly disclose at least one bug tracking related menu tailored to the user's role in the software development process.

However, Wygodny discloses in an analogous computer system at least one bug tracking related menu tailored to the user's role in the software development process (col. 5, lines 26-30 "developer 112 uses a program called the BugTrapper analyzer 106 to create a file called a trace control information (TCI) file 120. The TCI file 120 contains instructions that specify what information is to be collected from a program to be traced" and FIGS. 1A through 1C and related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of bug tracking related menu tailored to the user's role in the software development process as taught by Wygodny into the method for monitoring the software bug as taught by Othmer. The modification would be obvious because of one of ordinary skill in the art would be motivated to provide the menu or trace data file of the execution of a program to debug the problems in parallel processing as suggested by Wygodny (col. 2, lines 27-49).

Per claim 41:

Othmer disclose:

- A method of processing and monitoring software bug related information for use in software package development (col. 2, lines 30-33 "a system and method for remotely monitoring a plurality of computer-based systems is provided which detects defects (bugs) or the usage of particular functions in a software application") comprising the steps of:

Art Unit: 2191

- accessing a bug tracking system via the Internet (col. 9, lines 5-7 “the server may interface with, communicate and share data with one or more existing bug tracking”);
- processing user identification information including a password (col. 13, lines 59-60 “The server uses the user ID to associate static information with a particular client machine”), wherein the processing includes determining the aspects of a system that a user is entitled to access based on a user’s role in the development process (col. 14, lines 7-9 “The server uses the user ID to associate static information with a particular client machine and to keep a record about a particular user”);
- sorting said list of bugs in accordance with any of one a plurality of user selected sort criteria (col. 5, lines 28-30 “each data element in a black box... have a timestamp associated with it... user of the system... determine a sequence of events that occurred prior to a triggering event”).

Othmer does not explicitly disclose retrieving from a database associated with said bug tracking system a list of bugs associated with an identified software package.

However, Wygodny discloses in an analogous computer system retrieving from a database associated with said bug tracking system a list of bugs associated with an identified software package (col. 5, lines 26-30 “developer 112 uses a program called the BugTrapper analyzer 106 to create a file called a trace control information (TCI) file 120. The TCI file 120 contains instructions that specify what information is to be

collected from a program to be traced” and FIGS. 1A through 1C and related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of bug tracking related menu tailored to the user's role in the software development process as taught by Wygodny into the method for monitoring the software bug as taught by Othmer. The modification would be obvious because of one of ordinary skill in the art would be motivated to provide the menu or trace data file of the execution of a program to debug the problems in parallel processing as suggested by Wygodny (col. 2, lines 27-49).

Per claims 2-5, 23-27, and 43-46:

The rejection of claims 1, 21, and 41 is incorporated, respectively, and further, Othmer does not explicitly disclose the user is a video game tester and wherein said step of accessing said bug tracking related menu includes the step of accessing a bug tracking related menu tailored to video game testers.

However, Wygodny discloses in an analogous computer system the user is a video game tester and wherein said step of accessing said bug tracking related menu includes the step of accessing a bug tracking related menu tailored to video game testers (col. 5, lines 26-30 “developer 112 uses a program called the BugTrapper analyzer 106 to create a file called a trace control information (TCI) file 120. The TCI file 120 contains instructions that specify what information is to be collected from a program to be traced” and FIGS. 1A through 1C and related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of bug tracking related menu tailored to the user's role in the software development process as taught by Wygodny into the method for monitoring the software bug as taught by Othmer. The modification would be obvious because of one of ordinary skill in the art would be motivated to provide the menu or trace data file of the execution of a program to debug the problems in parallel processing as suggested by Wygodny (col. 2, lines 27-49).

Per claims 7 and 28:

The rejection of claim 1, and 21 is incorporated, respectively, and further, Othmer disclose:

- accessing a master bug log identifying a plurality of bugs in a selected software package under development (col. 6, lines 55-60 "based on the large amount of black box information (e.g., the black boxes from the thousands of client computers that are using the beta browser software and have a nub), what caused the crash (i.e., a user error, a web site error or a bug) and then provide, for a bug, a patch to each of the client computers running the new browser software")

Per claims 8, 29, and 48:

The rejection of claims 1, 21, and 41 is incorporated, respectively, and further, Othmer disclose:

- accessing a database and retrieving data indicative of a plurality of bugs in a selected software package (col. 6, lines 55-60 "based on the large amount of black box information (e.g., the black boxes from the thousands of client computers that are using the beta browser software and have a nub), what caused the crash (i.e., a user error, a web site error or a bug) and then provide, for a bug, a patch to each of the client computers running the new browser software"); and
- sorting the bugs based upon any one of a plurality of sorting criteria selected by a user (col. 5, lines 28-30 "each data element in a black box... have a timestamp associated with it... user of the system... determine a sequence of events that occurred prior to a triggering event")

Per claim 14-16, 35-37, and 54-56:

The rejection of claim 1, 21, and 41 is incorporated, respectively, and further, Othmer disclose:

- transmitting a bug related message (col. 5, lines 11-12 "data gathered by the nub may be collected into a "black box" data structure 44 that may be transmitted over the communications link to the server").

Othmer does not explicitly disclose using an accessed bug related menu from a first user having a first role in developing said software package to a second user having a second role in developing said software package.

However, Wygodny discloses in an analogous computer system using an accessed bug related menu from a first user having a first role in developing said software package to a second user having a second role in developing said software package (col. 5, lines 26-30 “developer 112 uses a program called the BugTrapper analyzer 106 to create a file called a trace control information (TCI) file 120. The TCI file 120 contains instructions that specify what information is to be collected from a program to be traced” and FIGS. 1A through 1C and related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of bug tracking related menu tailored to the user's role in the software development process as taught by Wygodny into the method for monitoring the software bug as taught by Othmer. The modification would be obvious because of one of ordinary skill in the art would be motivated to provide the menu or trace data file of the execution of a program to debug the problems in parallel processing as suggested by Wygodny (col. 2, lines 27-49).

Per claims 20 and 60:

The rejection of claims 1 and 41 is incorporated, respectively, and further, Othmer does not explicitly disclose editing bug related information using said at least one bug tracking related menu.

Othmer does not explicitly disclose editing bug related information using said at least one bug tracking related menu.

However, Wygodny discloses in an analogous computer system editing bug related information using said at least one bug tracking related menu (col. 5, lines 26-30 "developer 112 uses a program called the BugTrapper analyzer 106 to create a file called a trace control information (TCI) file 120. The TCI file 120 contains instructions that specify what information is to be collected from a program to be traced" and FIGS. 1A through 1C and related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of bug tracking related menu tailored to the user's role in the software development process as taught by Wygodny into the method for monitoring the software bug as taught by Othmer. The modification would be obvious because of one of ordinary skill in the art would be motivated to provide the menu or trace data file of the execution of a program to debug the problems in parallel processing as suggested by Wygodny (col. 2, lines 27-49).

Claims 61, 62 are the system claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Claims 63-69 are the system claim corresponding to method claims 2-8, respectively, and rejected under the same rational set forth in connection with the rejection of claims 2-8, respectively above.

Claims 75-77 are the system claim corresponding to method claims 14-16, respectively, and rejected under the same rational set forth in connection with the rejection of claims 14-16, respectively above.

Art Unit: 2191

Claim 80 is the system claim corresponding to method claim 20 and rejected under the same rational set forth in connection with the rejection of claim 20 above.

Per claim 81:

Othmer disclose:

- A method for processing and monitoring software bug related information for use in software package development (col. 2, lines 30-33 “a system and method for remotely monitoring a plurality of computer-based systems is provided which detects defects (bugs) or the usage of particular functions in a software application”) comprising the steps of:
 - enabling access to a bug tracking system using an Internet browser (col. 9, lines 5-7 “the server may interface with, communicate and share data with one or more existing bug tracking”);
 - processing user identification information including a password (col. 13, lines 59-60 “The server uses the user ID to associate static information with a particular client machine”) from a first user having a role in the software development process which is different from a role of at least a second user's in the software development process (col. 14, lines 7-9 “The server uses the user ID to associate static information with a particular client machine and to keep a record about a particular user”);

Art Unit: 2191

- accessing, in response to said user information from the first user, at least a first bug tracking related menu specifically tailored to the first user's role in the software development process;
- processing user identification information including a password from the second user col. 13, lines 59-60 "The server uses the user ID to associate static information with a particular client machine"), and
- accessing, in response to said user identification information from the second user (col. 14, lines 7-9 "The server uses the user ID to associate static information with a particular client machine and to keep a record about a particular user").

Othmer does not explicitly disclose at least a second bug tracking related menu specifically tailored to the second user's role in the software development process, wherein the first and second bug tracking menus are different from each other.

However, Wygodny discloses in an analogous computer system at least a second bug tracking related menu specifically tailored to the second user's role in the software development process, wherein the first and second bug tracking menus are different from each other (col. 5, lines 26-30 "developer 112 uses a program called the BugTrapper analyzer 106 to create a file called a trace control information (TCI) file 120. The TCI file 120 contains instructions that specify what information is to be collected from a program to be traced" and FIGS. 1A through 1C and related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of bug tracking related menu tailored to the user's role in the software development process as taught by Wygodny into the method for monitoring the software bug as taught by Othmer. The modification would be obvious because of one of ordinary skill in the art would be motivated to provide the menu or trace data file of the execution of a program to debug the problems in parallel processing as suggested by Wygodny (col. 2, lines 27-49).

Per claims 82-85:

The rejection of claims 81, is incorporated, and further, Othmer does not explicitly disclose wherein either the first or second user is a video game tester and correspondingly either the first or second bug tracking menu is tailored to video game testers.

However, Wygodny discloses in an analogous computer system wherein either the first or second user is a video game tester and correspondingly either the first or second bug tracking menu is tailored to video game testers (col. 5, lines 26-30 "developer 112 uses a program called the BugTrapper analyzer 106 to create a file called a trace control information (TCI) file 120. The TCI file 120 contains instructions that specify what information is to be collected from a program to be traced" and FIGS. 1A through 1C and related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of bug tracking related menu

Art Unit: 2191

tailored to the user's role in the software development process as taught by Wygodny into the method for monitoring the software bug as taught by Othmer. The modification would be obvious because of one of ordinary skill in the art would be motivated to provide the menu or trace data file of the execution of a program to debug the problems in parallel processing as suggested by Wygodny (col. 2, lines 27-49).

11. Claims 9-13, 30-34, 49-53 and 70-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer, Wygodny in view of US Pub. No. 2001/0049697 to Johndrew et al., hereinafter called Johndrew.

Per claims 9-13, 30-34, and 49-53:

The rejection of claims 8, 28, and 41 is incorporated, respectively, and further, neither Othmer nor Wygodny explicitly disclose wherein said sorting criteria includes video game stage or a video game character or the status of the bug or the type of bug or the reported date of the bug.

However, Johndrew discloses in an analogous computer system sorting criteria includes video game stage or a video game character or the status of the bug or the type of bug or the reported date of the bug (page 3 and 4, paragraph 46 "FIG. 7 shows the data collected by the process of FIG. 6. Bug ID screen 700 includes the query component selection index 310, a bug identifier header 705, a bug headline 710 and a release table 715. Bug identifier header 705 gives the bug identifier associated with the information on the screen... Bug headline 710 contains a short one line description of the bug... Column

Art Unit: 2191

725 indicates the status of the bug... Column 730 contains the date and time that software fixing the bug").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of sorting/identifying bugs based on unique identifiers as taught by Johndrew into the method for monitoring the software bug as taught in the combination system by Othmer and Wygodny. The modification would be obvious because of one of ordinary skill in the art would be motivated to sort the bugs to provide complete bugs free software application to client as suggested by Johndrew (page 1, paragraph 10).

Claims 70-74 are the system claim corresponding to method claims 9-13, respectively, and rejected under the same rationale set forth in connection with the rejection of claims 9-13, respectively above.

12. Claims 17, 38, 57, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer, Wygodny in view of **admitted prior art**.

Per claims 17, 38, and 57:

The rejection of claims 1, 21, and 41 is incorporated, respectively, and further, neither Othmer nor Wygodny explicitly disclose attaching to a bug description a digitized video file for visually displaying at least one screen display showing an identified bug.

However, admitted prior art discloses attaching to a bug description a digitized video file for visually displaying at least one screen display showing an identified bug

Art Unit: 2191

(Applicant's specification, page 2, lines 9-11 "tester... associate a tester recorded sequence of game screen displays to provide a visual depiction of the error sequence")

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of displaying a digitized video file for visually displaying as taught in admitted prior art. The modification would be obvious because of one of ordinary skill in the art would be motivated to display the bug information which is would be for video game to have better understanding of the bugs found during testing as suggested in admitted prior art (pages 3, lines 4-12).

Claim 78 is the system claim corresponding to method claim 17 and rejected under the same rational set forth in connection with the rejection of claim 17 above.

13. Claims 19, 40, 59, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer, Wygodny in view of US Patent No. 5,742,754 to Tse, hereinafter called Tse.

Per claims 19, 40, and 59:

The rejection of claims 1, 21, and 41 is incorporated, respectively, and further, neither Othmer nor Wygodny explicitly disclose accessing a test plan identifying a plurality of tests to be performed with respect to an identified software package.

However, Tse discloses in an analogous computer system accessing a test plan identifying a plurality of tests to be performed with respect to an identified software package (col. 4, lines 30-35 "where the user defines a software product for testing, a

Art Unit: 2191

proper test suite, and a plurality of different computer hardware configurations for a software testing "job." The software product being tested may be any user provided software product").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of using test plan /suite to test software application as taught by Tse into the method for monitoring the software bug as taught in the combination system by Othmer and Wygodny. The modification would be obvious because of one of ordinary skill in the art would be motivated to test the software application using test plan to verify the software is functioning as expected as suggested by Tse (col. 2, lines 43-59).

Claim 79 is the system claim corresponding to method claim 19 and rejected under the same rationale set forth in connection with the rejection of claim 19 above, as noted above and Othmer also discloses system 50, see FIG. 2 and associated text.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner/Software Engineer
Art Unit 2191



WEI ZHEN
SUPERVISORY PATENT EXAMINER